

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
MUR 6897	)	DISMISSAL AND
Allen E. Weh	)	CASE CLOSURE UNDER THE
Allen Weh for Senate	)	ENFORCEMENT PRIORITY
and Rebecca Sanchez, as treasurer	)	SYSTEM

## GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue. These criteria include, without limitation, an assessment of the following factors: (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations of the Federal Election Campaign Act of 1971, as amended (the “Act”), and developments of the law. It is the Commission’s policy that pursuing relatively low-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss cases under certain circumstances. The Office of General Counsel has scored MUR 6897 as a low-rated matter and has determined that it should not be referred to the Alternative Dispute Resolution Office.<sup>1</sup>

The Office of General Counsel recommends that the Commission exercise its prosecutorial discretion and dismiss the allegation that Allen E. Weh,<sup>2</sup> Allen Weh for Senate, and Rebecca Sanchez in her official capacity as treasurer (collectively the “Committee”), violated the Act when the Committee failed to properly report disbursements related to air travel.<sup>3</sup> Specifically, the

<sup>1</sup> The EPS rating information is as follows: Complaint filed: October 31, 2014. Response from Allen E. Weh, Allen Weh for Senate, and Rebecca Sanchez as treasurer filed: January 23, 2015.

<sup>2</sup> Weh, who was a candidate for U.S. Senate representing New Mexico, lost the November 2014 general election.

<sup>3</sup> Compl. at 1 (Oct. 31, 2014).

1 Complainant, Daniel Sena, Campaign Manager for Udall for Us All,<sup>4</sup> alleges that the Committee's  
2 2014 April and July Quarterly reports, and its 2014 Pre-Primary Report, disclosed 80 disbursements  
3 totaling over \$70,000, apparently made to the candidate to reimburse him for airfare costs, but did  
4 not disclose in a memo entry the ultimate payee.<sup>5</sup> The Complaint further contends that because the  
5 Committee failed to properly disclose the ultimate payee for airfare expenses, it is not possible to  
6 determine whether the Committee has complied with the regulations regarding travel on non-  
7 commercial aircraft, including aircraft owned by Weh's company, CSI Aviation.<sup>6</sup>

8 The Committee responds that it amended all 2014 disclosure reports to include memo entries  
9 disclosing the ultimate payee for all of the disbursements to the candidate for air travel costs.<sup>7</sup>

10 The Act and the Commission's regulations require authorized committees to report the full  
11 name and address of each person to whom they make expenditures or other disbursements  
12 aggregating more than \$200 per election cycle, along with the date, amount, and purpose of the  
13 payment.<sup>8</sup> In addition, a memo entry identifying the ultimate payee is required for any  
14 reimbursement of expenses (other than travel and subsistence expenses) if the individual's payments  
15 to the vendor on behalf of an authorized committee aggregate more than \$200 in an election cycle.<sup>9</sup>  
16 When the reimbursement is for travel advances that exceed \$500, a memo entry is required for each  
17 payment to a specific vendor by that individual on behalf of the authorized committee if total  
18 payments to that vendor by the political committee (or by the individual on behalf of the committee)

---

<sup>4</sup> Udall for Us All was the principal campaign committee for Tom Udall, Weh's opponent in the 2014 Senate race.

<sup>5</sup> *Id.* at 3, Attach. 1.

<sup>6</sup> *Id.* at 4; *see* 11 C.F.R. § 100.93.

<sup>7</sup> Resp. (Jan. 23, 2015).

<sup>8</sup> 52 U.S.C. § 30104(b)(5) and (6); 11 C.F.R. §§ 104.3(b)(2)(i), (4)(i), (vi); *see also* 11 C.F.R. § 104.9(a) and (b).

<sup>9</sup> 11 C.F.R. §§ 104.3(b)(4)(i) and 104.9.

1 aggregate more than \$200 in an election cycle.<sup>10</sup> Each memo entry must include the name and  
2 address of the vendor, as well as the date, amount, and purpose of the payment.<sup>11</sup>

3 A review of the Commission's records reveals that the Committee amended its 2014  
4 disclosure reports on January 22, 2015, to include most, but not all payee information.<sup>12</sup> In addition,  
5 based on the Committee's amended reports, there is no information to suggest that the Committee  
6 violated the Commission's regulations related to non-commercial travel.<sup>13</sup> Therefore, in furtherance  
7 of the Commission's priorities, relative to other matters pending on the Enforcement docket, and in  
8 light of the Committee's corrective actions, the Office of General Counsel believes that the  
9 Commission should exercise its prosecutorial discretion and dismiss this matter.<sup>14</sup>

### 10 **RECOMMENDATIONS**

- 11 1. Dismiss the allegation that Allen E. Weh, Weh for Senate and Rebecca Sanchez in her  
12 official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (6); 11 C.F.R.  
13 §§ 104.3(b)(2), 104.3(b)(4), and 104.9;
- 14 2. Approve the Factual and Legal Analysis;
- 15 3. Approve the appropriate letters; and

16  
17  
18  
19  

---

<sup>10</sup> *FEC Record: Regulations, Interpretive Rule on Reporting Ultimate Payees of Political Committee Disbursements*,  
<http://www.fec.gov/pages/fecrecord/2013/august/ultimatepayeeinterpretiverule.shtml> (Approved June 27, 2013).

<sup>11</sup> *Id.*

<sup>12</sup>  
  
Although the candidate did not run for office during the 2016 election cycle, RAD reports that the Committee continues to file disclosure reports and appears to be in compliance with reporting requirements. RAD has sent one *Request for Additional Information*, unrelated to disbursements or payee information, to the Committee during the 2015-2016 election cycle.

<sup>13</sup> 11 C.F.R. § 100.93.

<sup>14</sup> *Heckler v. Chaney*, 470 U.S. 821 (1985).

4. Close the file.

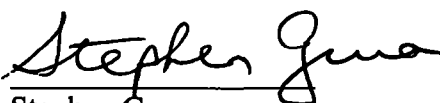
Lisa J. Stevenson  
Acting General Counsel

Kathleen M. Guith  
Acting Associate General Counsel  
for Enforcement

5.11.17

Date

BY:



Stephen Gura  
Deputy Associate General Counsel



Jeff S. Jordan  
Assistant General Counsel



Wanda D. Brown  
Attorney